19

File No. 0 Payment of Wages/51

Legal Department

~~A~~ BRANCH

Subject—

Opinions under the Payment of Wages Act 1936

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File No. 0 Payment of Wages/57

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dt. 22-6-1953.

K.S.R.
23/6

L.D.R.T.No. 14816 dt. 17-7-51.

Submitted.

2. Under sec. 15(1) of the Payment of Wages Act, 1936, the State Govt. is empowered to appoint by a notification in the Official Gazette any Commr. for Workmen's Compensation or other officer with experience as a judge of Civil Court or as a stipendiary Magistrate to be the authority to hear and decide for any specified area all claims arising out of deduction from the wages, or delay in payment of the wages, of persons employed or paid in that area. By Political and Reforms Deptt. Notification No. 1552/34, dated the 16th April 1937, Govt. had appointed the Officers mentioned in the notification (who were sub-divisional or city or Resident Magistrates etc.) to be the authorities under the Act to hear and decide the claims under the Act (vide the notification printed at pp. 29-30 of Sarin's Payment of Wages Act, 1936). That notification has now been superseded by Govt. Notification No 66/48, dated the 14th May 1951 and the officers mentioned therein have been appointed as the Authorities. A question has now been raised as to what is to happen to the cases pending with the old Authorities and whether they can be transferred to and heard by the Authorities specified in the new notification. The P.A & S.D. considers that as there is only one Authority for a specified area and as the

Contd.

previous Authorities have ceased to exist the new authorities will have to hear the decide not only new applications but also pending cases left undisposed of by the previous authorities. The R.L.A. is requested to advise.

MM

dt. 22-6-'86.

Legal Department.

BY No. 18547
27-7-1951.

Submitted with reference to the note of the Labour and Housing Department at p. 15 ante. For full facts of the Case, please see the letter dated 30/31.5.1951 of the Commissioner of Labour, Bombay, at p.1. ante. The Bombay Gas Company supply monsoon protection covers to their employees engaged on outdoor duties only. The question raised for the consideration of the H.L.A. is whether the cost of these monsoon protection covers can be deducted from wages, under Section 7(2)(e) or Section 7(2)(e) of the payment of wages Act, 1936, of those employees who wilfully fail to return these monsoon protection covers after the rains.

[redacted]

dt. 22-6-'51.

Legal Department.

Seen and returned.

The view taken by the Secretary, Labour & housing Department, is correct.

sd. P.M.Ind

Additional Secretary to Government.

U.O.to L.& H.D., No. 14509 , dated the 12th September 1951.

Mf

SC dt. 22-6-'56.

Legal Department.
L.D.B.I.No. 17304/51.

21/8/

Submitted with reference to Labour and Housing Department note at pp.21 to 24. Facts relevant to the question raised for R.L.A's consideration are briefly stated below:-

2. The Manager of the Jubilee Mills, and Calico Mills, Ahmedabad, have approached for permission to make deductions under section 7(2)(e) of the Payment of Wages Act, 1936 from the wages of the employees on account of monthly subscription to their medical scheme, which is open to all employees. R.L.A.'s advice is not ~~separately~~ requested in this matter. But another feature of this proposal has been the practice of the employees of the mills in question to make cash payments of their subscription to the management. In connection with a similar scheme proposed by the R.D.Sassoon Company, R.L.A. in his opinion No. 10516 dated 17-9-1949 advised that in view of explanation to section 7(1) the proposed contribution cannot be made by an employee even directly.

3. R.L.A. is requested again to advise whether such cash payment is covered by explanation below sub-section (1) of section 7.

MI

dt. 22-6-'56.

Legal Department.

Payment of Wages Act 1936 (No.IV of 1936).

Sec. 7(1): Explanation.

The point raised by the Labour and Housing Department is fully covered by the R.L.A.'s opinion No. 10516, dated the 17th September 1949. The direct payments to the employer by the employees as contribution towards the scheme would fall within the scope of the explanation to section 7(1) of the Payment of Wages Act, 1936.

Sd. P.Pillai
o/o.
Additional Secretary to Government.

U.O.to L.& H.D.,No. 14794, dated the 18th September 1951.

mf
dt.22-9-'50.